

REMARKS

The Examiner has rejected Claims 2-6, 9-13, and 16-20 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is deemed moot in view of the clarifications made to the claims hereinabove.

The Examiner has further rejected Claims 1-6, 8-13, 15-20, and 22-24 under 35 U.S.C. 103(a) as being unpatentable over Moeller et al. (U.S. Patent No. 5,473,777) in view of Admitted Prior Art (APA). Applicant respectfully disagrees with this rejection, especially in view of the amendments made hereinabove to each of the independent claims.

For example, the Examiner relies on the following excerpt from Moeller to make a prior art showing of applicant's claimed "installing a second application program interface adapted for precluding the applications from accessing."

"In step 206, which is the first substantive step of the flow chart 202, an object-oriented statement which accesses a service provided by the operating system 114 is located in the application 130A during the execution of the application 130A on the computer platform 102. The object-oriented statement is defined by the object-oriented class library 402. For example, the object-oriented statement may reference a method defined by one of the classes of the class library 402. The following steps describe the manner in which the statement is executed by the computer platform 102." (see col. 8, lines 3-10)

Still yet, the Examiner relies on the following excerpt from Moeller to make a prior art showing of applicant's claimed "second application program interface."

"accesses to procedural function calls compatible with the procedural interface of the operating system 114." (see col. 10, lines 30-31)

After carefully reviewing such excerpts, and the remaining Moeller reference, it is clear that mere procedural function calls are provided to create and manipulate a virtual memory range in a memory component. This is clearly departed from applicant's claimed "second application program interface adapted for precluding the applications from accessing" (emphasis added). Only applicant teaches and claims such a second application program interface with such specific purpose.

It thus appears that the Examiner has not taken into consideration the full weight of applicant's claims. Only applicant teaches two separate application program interfaces with such specific claimed purposes.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to disclose, teach or suggest all of applicant's claim limitations, as noted above.

Nevertheless, despite the foregoing paramount distinction and in the spirit of expediting the prosecution of the present application, applicant has amended each of the independent claims to include the following (or similar) subject matter:

"the first application program interface adapted for permitting the applications to gain access to the network ... where the selected applications

would otherwise be precluded network access by the second application program interface.”

Thus, applicant's dual application program interface, one that permits application network-access and a second that precludes the same, is clearly set forth, whereby a wrapper is used to provide network access via the second application program interface.

A notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

It is further noted that the Examiner's rejection is further replete with deficiencies with respect to the dependent claims. Just be way of example, the Examiner relies on the following Moeller excerpt to make a prior art showing of applicant's claimed “wherein the selected applications are wrapped with a wrapper adapted for compressing data in a portable executable (PE) image” (see Claim 2 et al).

“FIG. 3 to translate object-oriented statements (defined by the class library 402) in application programs to procedural function calls compatible with the procedural interface of the operating system 114.” (see col. 10, lines 24-25)

Such excerpt, and the remaining Moeller reference, fails to even suggest, however, any sort of compression, let alone a wrapper that wraps the applications in a wrapper adapted for compressing data in a portable executable (PE) image.

Still yet, the Examiner relies on the following Moeller excerpt to make a prior art showing of applicant's claimed “wherein the wrapper equips the compressed data with extractor code adapted for extracting the data in the PE image” (see Claim 3 et al).

“With unprecedented access to information has also come unprecedented opportunities to gain unauthorized access to

data, change data, destroy data, make unauthorized use of computer resources, interfere with the intended use of computer resources, etc." (see pg. 1, lines 21-23)

Such excerpt, however, fails to even suggest, however, any sort of wrapper that is equipped with extractor code adapted for extracting the data in a PE image.

Moving to Claim 4, the Examiner relies on the following Moeller excerpt to make a prior art showing of applicant's claimed "wherein the extractor code is further adapted for interfacing with the second application program interface" (see Claim 4 et al).

"The code library 110 may represent multiple code libraries (not shown) related to the wrapper 128, wherein each of the code libraries include the computer program logic for one of the object-oriented classes of the class library 402." (see col. 9, lines 1-5)

After careful review of such excerpt, however, it is clear that it fails to even suggest extractor code, let alone extractor code that is further adapted for interfacing with the second application program interface, as claimed.

Even still, the Examiner relies on the following Moeller excerpt to make a prior art showing of applicant's claimed "wherein the location in memory is where a routine is stored for allowing the selected applications to access the network" (see Claim 6 et al).

"The library server processes the request by accessing the desired computer program logic from the code library and sending the desired computer program logic to the area of memory designated by the destination address." (see col. 9, lines 17-20)

Such excerpt, however, fails to even suggest any sort of location in memory where a routine is stored for allowing the selected applications to access the network (emphasis added), as claimed.

The Examiner has further rejected Claims 7, 14, and 21 under 35 U.S.C. 103(a) as being unpatentable over Moeller et al. (U.S. Patent No. 5,473,777) in view of Admitted Prior Art (APA), and further in view of Alexander et al. (U.S. Patent No. 6,748,343). Applicant respectfully disagrees with such rejection.

For example, the Examiner relies on the following Alexander excerpt to make a prior art showing of applicant's claimed "allowing a user to select the applications to be allowed to access the network via the second application program interface" (see Claim 7 et al).

"a computer display operable to generate a user interface for obtaining a user selection of client, premises, location, monitoring device, and processing rule data and to transmit the data to the processing server" (see Claim 1)

Such excerpt, however, fails to even suggest any sort of allowing a user to select the applications to be allowed to access the network via the second application program interface (emphasis added), as claimed.

Still yet, applicant brings to the Examiner's attention the following additional dependent claims that have been added for full consideration:

"wherein the PE image includes a header, a stub program, a file signature, a .text section header, a .bss section header, a .rdata section header, and a .debug section header" (see Claim 25);

"wherein the applications include a word processor application, a database program, a browser program, a development tool program, a drawing program, an image editing program, and a communication program" (see Claim 26);

"wherein the second application program interface is adapted for precluding the applications from accessing the network utilizing a network card" (see Claim 27);

"wherein the second application program interface includes a modified copy of the first application program interface" (see Claim 28); and

"wherein the second application program interface is separate from the first application program interface" (see Claim 29).

Again, a notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. If any fees are due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NA11P096/02.015.01).

Respectfully submitted,


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